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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,416	07/30/2007	Kenneth Baker	030036U1	7440
23696	7590	03/05/2009	EXAMINER	
QUALCOMM INCORPORATED			DOAN, PHUOC HUU	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2617	
			NOTIFICATION DATE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/534,416	<b>Applicant(s)</b> BAKER ET AL.	
	<b>Examiner</b> PHUOC DOAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stein (US Pub No: 2003/0008669)**.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a1 showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was

derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**As to claim 1**, Stein discloses a method comprising: receiving information in a wireless communication system (Fig. 1A) from a repeater through a base station of a set of base stations (paragraph [57, 154]), the information being indicative of signals of a set of base stations that a repeater can detect in the wireless communication system (col. 1, [0004] “repeater may also be used to extend coverage into rural areas”); and updating (col. 13, [0146] “updated to reflect the delay of the repeater”) a neighbor list based on the received information (col. 5, [0049], and col. 9, [0108] “the pilot references from neighboring base stations that may provided with the neighbor list associated”).

**As to claim 2**, Stein further discloses the method of claim 1, further comprising initiating transmission of the updated neighbor list to be sent to one or more subscriber units of the wireless communication system (col. 5, [0057]).

**As to claim 3**, Stein further discloses the method of claim 1, wherein the information identifies a set of phase offsets detected from the signals of the set of base stations (col. 5, [0057])

**As to claim 4**, Stein further discloses the method of claim 1, wherein the information includes identification codes detected from the signals of the set of base stations (col. 5, [0051-0055]).

**As to claim 5**, Stein further discloses the method of claim 1, wherein the wireless communication system comprises a code division multiple access (CDMA) system and the information identifies pseudo-random noise (PN) offsets (col. 4, [0046], and col. 7 [0073]).

**As to claim 6**, Stein discloses a method executed in a repeater of a wireless communication system, the method comprising: identifying signals associated with a set of base stations that the repeater can detect (col. 4, [0041]); and sending information indicative of the set of base stations to a specific base station that is repeated by the repeater (col. 4, [0042-0043] “**the center of the repeater’s coverage area may be stored in a table , the table may be maintained at the terminal or some other base stations**”).

**As to claim 7**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 8**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 9**, claim is rejected for the same reason as set forth in claim 5.

**As to claim 10**, Stein further discloses the method of claim 6, further comprising identifying energy levels of the signals and sending information indicative of the energy levels (col. 7, [0073]).

**As to claim 11**, the method of claim 6, further comprising identifying pilot symbols of the signals and sending information indicative of the identified pilot symbols (col. 10, [0110-0112]).

**As to claim 12**, Stein discloses a computer readable medium comprising computer readable instructions that when executed in a device of a wireless communication system (col. 12, [0135]), cause the device to update a neighbor list based on information received from a repeater in the wireless communication system (col. 13, [0146]) “updated to reflect the delay of the

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repeater”) , the information being indicative of signals of a set of base stations that the repeater can detect (col. 12, [0136-0144] “**based on the identifier PN are included in a neighbor list of PN sequences**”).

**As to claim 13**, Stein further discloses the computer readable medium of claim 12, further comprising instructions that when executed cause the device to send the updated neighbor list to one or more subscriber units of the wireless communication system (col. 12, [0144-0145]).

**As to claim 14**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 15**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 16**, claim is rejected for the same reason as set forth in claim 5.

**As to claim 17**, claim is rejected for the same reason as set forth in claim 6.

**As to claim 18**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 19**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 20**, claim is rejected for the same reason as set forth in claim 5.

**As to claim 21**, claim is rejected for the same reason as set forth in claim 1.

**As to claim 22**, claim is rejected for the same reason as set forth in claim 13.

**As to claim 23**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 24**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 25**, claim is rejected for the same reason as set forth in claim 5.

**As to claim 26**, a repeater of a wireless communication system comprising a control unit to identify signals associated with a set of base stations that the repeater can detect (col. 12, [0136-0144] “**based on the identifier PN are included in a neighbor list of PN sequences**”) and direct the repeater to send information indicative of the set of base stations to a specific base station that is repeated by the repeater (col. 5, [0057-0060]).



**As to claim 27**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 28**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 29**, claim is rejected for the same reason as set forth in claim 5.

**As to claim 30**, Stein discloses a wireless communication system comprising:  
a repeater to identify signals associated with a set of base stations that the  
repeater can detect, and sends information indicative of the set of base  
stations that the repeater can detect (col. 5, [0057-0060]); and a device to  
receives the information and to update a neighbor list based on the  
information (col. 9, [0108]).

**As to claim 31**, claim is rejected for the same reason as set forth in claim 3.

**As to claim 32**, claim is rejected for the same reason as set forth in claim 4.

**As to claim 33**, claim is rejected for the same reason as set forth in claim 5.

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**As to claim 34**, a device of a wireless communication system comprising: means for receiving information in the wireless communication system, the Information being indicative of signals from a set of base stations that repeater can detect in the wireless communication system (col. 5, [0057-0060]), the information to be received from the repeater through a base station of the set of base stations (paragraph [57, 154]); means for storing a neighbor list; and means for updating the neighbor list based on the received information (col. 4, [0041-0046]),

**As to claim 35**, claim is rejected for the same reason as set forth in claim 13.

**As to claim 36**, Stein discloses a repeater of a wireless communication system comprising: means for identifying signals associated with a set of base stations that the repeater can detect (col. 5, 0057-0060)]; and means for sending information indicative of the set of base stations to a specific base station that gets repeated by the repeater (col. 4, [0042-0043]).

**As to claim 37**, claim is rejected for the same reason as set forth in claim 5.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571)272-7920. The examiner can normally be reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/  
02/25/09

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617